IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 289 (SB) of 2006

Ganesh Ram Tiruwa,
S/o Sri Bhawani Ram Tiruwa,
Presently serving as Principal,
Government Inter College,
Pithoragarh. **…. Petitioner.**

Versus

1. State of Uttaranchal through Secretary, Education Department, Government of Uttaranchal, Dehradun.
2. Director, School Education, Uttaranchal, Dehradun.
3. State of U.P. through Principal Secretary, Department of Education, Government of U.P., Lucknow.

….Respondent.

Coram:
Hon'ble M.M. Ghildiyal, J
Hon'ble B.C. Kandpal, J
Judgment per **(Hon'ble B.C. Kandpal, J)**

Heard Sri Manoj Tiwari, learned counsel for the petitioner, learned standing counsel for State of Uttaranchal on behalf of respondents no. 1 and 2 and learned standing counsel for State of Uttar Pradesh on behalf of respondent no. 3.

By means of this petition, the petitioner has prayed for the following reliefs:

i. Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 1 to consider petitioner's claim for regular promotion to Group B

ii. *Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 1 to promote the petitioner to Group B post of Principal Government Inter College from the date persons junior to him were promoted.*

iii. *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

iv. *Award the cost of the writ petition in favour of the petitioner.*

The claim of the petitioner is that similarly situated persons and persons much junior to the petitioner have been granted regular promotion on the post of Principal, GIC ignoring the petitioner's claim.

Respondents were granted time to file counter affidavit but no counter affidavit has been filed by the respondents till date.

Petitioner has averred in the writ petition that he has made several representations to the respondents but respondents are not taking any action on the representations of the petitioner. Petitioner has lastly made a representation on 06.06.2006 (Annexure No. 7 to the writ petition) before respondent no. 1 and the same is still pending.

In view of the aforesaid circumstances, we think it just and proper to direct the respondent no. 1 i.e. Secretary, Education, Dehradun to take decision on the representation of the petitioner dated 06.06.2006 (Annexure No. 7 to the writ petition) by speaking order within a period of three months from the date of production of certified copy of this order.

With the direction the writ petition as well as interim relief application no. 13691 of 2006 is finally disposed of. No. order as to costs.

(B.C. Kandpal, J) (M.M. Ghildiyal, J)

November 13, 2006
SKSharma